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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION I

5 POST OFFICE SQUARE, SUITE 100
BOSTON, MASSACHUSETTS 02109-3912

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

AUG 31 2011

Sally Keating, P.E.
Manager of Environment, Health and Safety
The Metropolitan District
555 Main Street
Hartford, Connecticut 06103

Re: PCB Cleanup and Disposal Approval under 40 CFR §§ 761.61(c) and 761.79(h)
Metropolitan District - Nepaug Dam
Burlington, Connecticut

Dear Ms. Keating:

This is in response to the Metropolitan District (MDC) Notification¹ for approval of a proposed PCB abatement for the Nepaug Dam located in Burlington, Connecticut (the Site). The Site contains PCB-contaminated materials that exceed the allowable PCB levels under the federal PCB regulations at 40 CFR § 761.20(a), § 761.61, and § 761.62. PCBs have been found in caulk and in concrete located on the upstream face of the dam, specifically the joints between blocks 3/5, 6/8, and 11/13.

Under this Notification, MDC is proposing the following PCB cleanup standards and activities for this project:

- Remove PCB caulk and PCB-contaminated *porous surfaces* located within 1-inch of the caulk joint and dispose as a greater than or equal to (\geq) 50 parts per million (ppm) PCB waste at a TSCA-approved disposal facility;
- Remove PCB-contaminated *porous surfaces* located greater than 1-inch from the caulk joint and dispose at a TSCA approved disposal facility or a RCRA non-hazardous waste landfill; and,

¹ Information was submitted by GZA GeoEnvironmental, Inc. on behalf of MDC to satisfy the requirements under 40 CFR § 761.61(c) and, § 761.79(h). Information was provided dated May 2011 (PCB Abatement Work Plan); July 14, 2011 (e-mail historical timeline); July 21, 2011 (e-mail dam storage capacity); and, August 11, 2011 (revised PCB Abatement Work Plan). These submittals together shall be referred to as the Notification.

- Conduct post-abatement sampling of remaining *porous surfaces* in accordance with Subpart O (1 sample per every 5 linear feet of decontaminated *porous surfaces*) to document that the PCB cleanup standard of less than or equal to (\leq) 1 ppm has been met.

Based on the EPA's review, the information provided in the Notification meets the requirements under 40 CFR §§ 761.61(c), 761.62, and 761.79(h) for decontamination, cleanup and/or disposal of PCB-contaminated wastes. EPA has determined that cleanup of the PCB-contaminated *porous surfaces* to ≤ 1 ppm will be protective of public health and the environment.

MDC may proceed with its cleanup in accordance with 40 CFR §§ 761.61(c); 761.62; 761.79(h); its Notification; and this Approval, subject to the conditions of Attachment 1.

This Approval does not release MDC from any applicable requirements of federal, state or local law, including the requirements related to cleanup and disposal of PCBs or other contaminants under the Connecticut Department of Energy and Environmental Protection (CT DEEP) regulations.

Questions and correspondence regarding this Approval should be directed to:

Kimberly N. Tisa, PCB Coordinator (OSRR07-2)
United States Environmental Protection Agency
5 Post Office Square, Suite 100
Boston, Massachusetts 02109-3912
Telephone: (617) 918-1527
Facsimile: (617) 918-0527

EPA shall not consider this project complete until it has received all submittals required under this Approval. Please be aware that upon EPA receipt and review of the submittals, EPA may request any additional information necessary to establish that the work has been completed in accordance with 40 CFR Part 761, the Notification, and this Approval.

Sincerely,



James T. Owens/III, Director
Office of Site Remediation & Restoration

cc: D. Leone, GZA
G. Trombly, CT DEEP
File

Attachment 1 – Approval Conditions
Attachment 2 – May 5, 2011 *Porous Surfaces* SOP

ATTACHMENT 1:

**PCB CLEANUP AND DISPOSAL APPROVAL CONDITIONS
NEPAUG DAM
BURLINGTON, CONNECTICUT**

GENERAL CONDITIONS

1. This Approval is granted under the authority of Section 6(e) of the Toxic Substances Control Act (TSCA), 15 U.S.C. § 2605(e), and the PCB regulations at 40 CFR Part 761, and applies solely to the *PCB bulk product waste* and the *PCB remediation waste* identified in the Notification² and located at this Site.
2. The Metropolitan District (MDC) shall conduct on-site activities in accordance with the conditions of this Approval and with the Notification.
3. In the event that the cleanup plan described in the Notification differs from the conditions specified in this Approval, the conditions of this Approval shall govern.
4. The terms and abbreviations used herein shall have the meanings as defined in 40 CFR § 761.3 unless otherwise defined within this Approval.
5. MDC must comply with all applicable federal, state and local regulations in the storage, handling, and disposal of all PCB wastes, including PCBs, PCB Items and decontamination wastes generated under this Approval. In the event of a new spill during response actions, MDC shall contact EPA within 24 hours for direction on PCB cleanup and sampling requirements.
6. MDC is responsible for the actions of all officers, employees, agents, contractors, subcontractors, and others who are involved in activities conducted under this Approval. If at any time MDC has or receives information indicating that MDC or any other person has failed, or may have failed, to comply with any provision of this Approval, it must report the information to EPA in writing within 24 hours of having or receiving the information.
7. This Approval does not constitute a determination by EPA that the transporters or disposal facilities selected by MDC are authorized to conduct the activities set forth in the Notification. MDC is responsible for ensuring that its selected transporters and disposal facilities are authorized to conduct these activities in accordance with all applicable federal, state and local statutes and regulations.

² Information was submitted by GZA GeoEnvironmental, Inc. on behalf of MDC to satisfy the requirements under 40 CFR § 761.61(c) and, § 761.79(h). Information was provided dated May 2011 (PCB Abatement Work Plan); July 14, 2011 (e-mail historical timeline); July 21, 2011 (e-mail dam storage capacity); and, August 11, 2011 (revised PCB Abatement Work Plan). These submittals together shall be referred to as the Notification.

8. This Approval does not: 1) waive or compromise EPA's enforcement and regulatory authority; 2) release MDC from compliance with any applicable requirements of federal, state or local law; or 3) release MDC from liability for, or otherwise resolve, any violations of federal, state or local law.

NOTIFICATION AND CERTIFICATION CONDITIONS

9. This Approval may be revoked if the EPA does not receive written notification from MDC of its acceptance of the conditions of this Approval within 10 business days of receipt.
10. MDC shall submit the following information for EPA review and/or approval:
 - a. A certification signed by its selected abatement/remediation contractor, stating that the contractor(s) has read and understands the Notification, and agrees to abide by the conditions specified in this Approval;
 - b. A contractor work plan, prepared and submitted by the selected demolition or remediation contractor(s) describing the containment and monitoring that will be employed during abatement activities. This work plan should also include information on waste handling, storage, and disposal and decontamination of field equipment; and,
 - c. A certification signed by the selected analytical laboratory, stating that the laboratory has read and understands the extraction and analytical method requirements and quality assurance requirements specified in the Notification and in this Approval.

REMEDIAL AND DISPOSAL CONDITIONS

11. To the maximum extent practical, engineering controls and removal techniques, such as the use of HEPA ventilated tools, shall be utilized during removal processes to minimize the potential for release of PCB-contaminated dust and overspray outside of the containment area. In addition, to the maximum extent possible, disposable equipment and materials, including PPE, will be used to reduce the amount of decontamination necessary.

12. PCB-contaminated materials shall be decontaminated and confirmatory sampling and analysis shall be conducted as follows:
 - a. All visible caulk and PCB-contaminated *porous surfaces* (i.e., concrete) with greater than ($>$) 1 part per million (ppm) shall be removed as described in the Notification.
 - b. The decontamination standard for *porous surfaces* shall be less than or equal to (\leq) 1 ppm PCBs for unrestricted use or disposal.
 - i) All post-decontamination verification sampling of *porous surfaces* shall be performed on a bulk basis (i.e. mg/Kg). Samples shall be collected according to the EPA Region 1 *Standard Operating Procedure for Sampling Porous Surfaces for Polychlorinated Biphenyls (PCBs)*, Rev. 4, May 5, 201, to a maximum depth of 0.5 inches. Samples shall be collected at the frequency of 1 sample per every 5 linear feet of decontaminated *porous surfaces*.
 - ii) Chemical extraction for PCBs shall be conducted using Methods 3500B/3540C of SW-846 and chemical analysis for PCBs shall be conducted using Method 8082 of SW-846, unless another extraction and/or analytical method(s) is validated according to Subpart Q.
 - iii) For decontaminated *porous surfaces* that have PCB concentrations exceeding the decontamination standard, MDC may conduct additional decontamination to achieve the required decontamination standard or must store and dispose of these materials as TSCA-regulated waste in accordance with 40 CFR Part 761.
13. PCB waste (at any concentration) generated as a result of the activities described in the Notification, excluding any decontaminated materials, shall be marked in accordance with 40 CFR § 761.40; stored in a manner consistent with 40 CFR § 761.65; and, disposed of in accordance with 40 CFR § 761.61 or § 761.62, unless otherwise specified below.
 - a. Decontamination wastes and residues may be disposed of in accordance with 40 CFR § 761.79(g)(6).
 - b. Moveable equipment, tools, and sampling equipment shall be decontaminated in accordance with either 40 CFR § 761.79(b)(3)(i)(A), § 761.79(b)(3)(ii)(A), or § 761.79(c)(2).

- c. PCB-contaminated water generated during decontamination or dewatering shall be decontaminated in accordance with 40 CFR § 761.79(b)(1) or disposed of under § 761.70.

INSPECTION, MODIFICATION AND REVOCATION CONDITIONS

- 14. MDC shall allow any authorized representative of the Administrator of the EPA to inspect the Site and to inspect records and take samples as may be necessary to determine compliance with the PCB regulations and this Approval. Any refusal by MDC to allow such an inspection (as authorized by Section 11 of TSCA) shall be grounds for revocation of this Approval.
- 15. Any proposed modification(s) in the plan or specifications contained in the Notification or any departure from the conditions of this Approval without prior, written authorization from the EPA may result in the revocation, suspension and/or modification of the Approval, in addition to any other legal or equitable relief or remedy the EPA may choose to pursue.
- 16. Approval for these activities may be revoked, modified or otherwise altered: if EPA finds a violation of the conditions of this Approval or of 40 CFR Part 761, including EPA's PCB Spill Cleanup Policy, or other applicable rules and regulations; or, if EPA finds that these activities present an unreasonable risk to public health or the environment.
- 17. Any misrepresentation or omission of any material fact in the Notification or in any records or reports may result in the EPA's revocation, suspension and/or modification of the Approval, in addition to any other legal or equitable relief or remedy the EPA may choose to pursue.

RECORDKEEPING AND REPORTING CONDITIONS

- 18. MDC shall prepare and maintain all records and documents required by 40 CFR Part 761, including but not limited to the records required under Subparts J and K. A written record of the decontamination and the analytical sampling shall be established and maintained by MDC in one centralized location. All records shall be made available for inspection by authorized representatives of the EPA, until such time as EPA approves in writing a request for an alternative disposition of such records.

19. MDC shall submit a final report to the EPA within 60 days of completion of the activities authorized under this Approval. At a minimum, this final report shall include: a short narrative of the project activities; characterization and confirmation sampling analytical results, as applicable; copies of the accompanying analytical chains of custody; field and laboratory quality control/quality assurance checks; an estimate of the quantity of PCB waste disposed of and the size of the remediated area(s); copies of manifests and bills of lading; and copies of certificates of disposal or similar certifications issued by the disposer.
20. Required submittals shall be mailed to:

Kimberly N. Tisa, PCB Coordinator (OSRR07-2)
United States Environmental Protection Agency
5 Post Office Square, Suite 100
Boston, Massachusetts 02109-3912
Telephone: (617) 918-1527
Facsimile: (617) 918-0527
21. No record, report or communication required under this Approval shall qualify as a self-audit or voluntary disclosure under EPA audit, self disclosure or penalty policies.

END OF ATTACHMENT 1

